

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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Abraham Cohen

-V-

CV 9-3870(ARR)

Daniel E. Sully, et al

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NOTICE DESIGNATING CASE FOR COURT ANNEXED ARBITRATION

This case has been designated to participate in the Court Annexed Arbitration Program begun on January 1, 1986 in the Eastern District of New York. In accordance with Local Civil Rule 83.10(d)(A), the plaintiff may have the case withdrawn from Arbitration by filing a **Certification** stating that the damages sought exceed the arbitration limit of **\$150,000.00** within 30 days of referral to Arbitration. Damages are presumed not to be in excess of the arbitration limit unless a certification is filed.

Counsel have 90 days to complete discovery unless the judge to whom the case has been assigned orders a shorter or longer period for discovery. It is not anticipated that matters selected for arbitration will require discovery directions. If a dispute arises which requires a ruling on a question related to discovery, you must move promptly before the assigned Magistrate or the District Court Judge (if the District Court Judge has decided to rule on discovery matters). Attorneys cannot adjourn or change the arbitration hearing date without approval from the Court or the assigned Arbitrator under certain conditions. The Arbitrator assigned to hear the case is not authorized to extend the discovery period.

ALL REQUESTS TO EXTEND DISCOVERY MUST BE FILED AS A MOTION VIA ECF.

ALL REQUESTS TO ADJOURN AN ARBITRATION HEARING MUST BE FILED AS A MOTION VIA ECF WITH A COPY TO THE ARBITRATION CLERK. TELEPHONE CALLS TO REQUEST ADJOURNMENT WILL NOT BE CONSIDERED.

You may refer to the Local Civil Rules of the U.S. District Court, Eastern and Southern District of New York on our web site, www.nyed.uscourts.gov/adr.

Dated: 11-20-2009

cc: Counsel

EFFECTIVE AUGUST 2004, IT IS MANDATORY THAT ALL DOCUMENTS BE FILED ELECTRONICALLY (ECF).

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NOTICE SCHEDULING ARBITRATION HEARING

An arbitration hearing is set and scheduled for : **February 11, 2010 @ 10:00 a.m. The place of the arbitration hearing will be determined shortly after an arbitrator is appointed to hear the case.**

The standard Local Arbitration Rules specify that the parties have 90 days to complete discovery. The rules governing discovery are subject to change as other deadlines may be specified by the District Court Judge or Magistrate Judge. The District Court Judge may refer the matter to a Magistrate Judge for the purposes of discovery. **Rules governing Arbitration can be found at: www.nyed.uscourts.gov/adr**

At a later date you will receive a copy of the Court's Order setting forth the name of the arbitrator(s) who will hear this case. **If you do not receive this Order at least 30 days prior to the hearing date please contact the Arbitration Clerk.** This document will be filed on the electronic docket via (ECF). **If the case settles, please notify the Court promptly and the Arbitrator (if one has been assigned).**

The Federal Rules of Evidence shall be used as guides to the admissibility of evidence. Copies of photographs of all exhibits, except those intended solely for impeachment, must be marked for identification and delivered to adverse parties at least ten days prior to the hearing.

A party may have a recording and transcript made of the arbitration hearing, but that party shall make all necessary arrangements and bear all expenses thereof.

All correspondence regarding this hearing, including requests to change the date must be filed electronically (ECF). When an arbitrator has been assigned to hear the case, he or she must be made aware of settlement of the case and any request to adjourn the scheduled hearing.

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To: Attorneys:

The Location of the Arbitration hearing may be different from what has been indicated on the docket. You will receive a notice confirming the place of the arbitration hearing shortly after an arbitrator is appointed. You cannot change this hearing date unless you have written permission from the arbitrator or a judge from this court. Settlement of this case, including tentative settlement, should be reported to the Court, via ECF and reported to the Arbitrator - immediately. Telephone calls to request adjournment of a hearing, and to to report settlement of a case will not be accepted.

Failure to appear for the hearing without notifying the Court or the arbitrator, permission may result in an Order to Show Cause hearing.

Effective August 2004, the Eastern District of New York implemented Electronic Case Filing (ECF) . All documents must be filed electronically. If you are not registered for ECF, call 718-613-2571 for further information. All requests, including requests to adjourn must be in writing and forwarded to the Court and the Arbitrator. Do not ask the Arbitrator to extend discovery, this must be done by the court.